

### **REMARKS**

This amendment is responsive to the Office Action of April 29, 2011. Reexamination and reconsideration of the application are respectfully requested.

#### **The Office Action**

**Claims 1, 3, 4, 6, and 10** stand rejected under 35 USC §103(a) as being unpatentable over Firner (US Patent No. 2,132,529).

**Claims 3–10** stand rejected under 35 USC §103(a) as being unpatentable over Firner as applied to **claim 1**, pages 1–3 of the Specification, and further in view of [www.comco-ikarus.de/](http://www.comco-ikarus.de/) (2003).

#### **Telephone Interview**

Applicant thanks the Examiner for granting a telephone interview with Brian Kondas. Applicant has amended the claims as discussed during the telephone interview. If the Examiner has any comments, the Examiner is invited to contact Brian Kondas.

#### **The Claims of the Present Application Distinguish Over the Cited References**

**Claim 1** recites "a central tube...attached to a motor mount and extending forward along a longitudinal axis toward an engine of the aeroplane and extending rearward along the longitudinal axis to at least behind a front edge of a lateral rudder and an elevator control of the aeroplane" (see Abstract), and "a cabin cell...wide enough for two adjacent passenger seats."

**Claim 1** also recites "a space, limited on a lower side by a virtual flat cabin floor and limited on an upper side by the upward rising tube bend, that extends transversely beyond the square profile, in which the free remaining space above the virtual flat cabin floor presents an orthorhombic space of at least 190 cm in length, at least 45 cm wide, and at least 40 cm in height for receiving a person lying on a stretcher for air-transporting of said person while the stretcher is laying flat in the orthorhombic space, a maximum take-off weight (MTOW) of the aeroplane being between 452.5 kg and 590 kg."

None of the prior art references discloses, or suggests, a central tube attached to a motor mount and extending forward along a longitudinal axis toward an engine of the aeroplane and extending rearward along the longitudinal axis to at least behind a front edge of a lateral rudder and an elevator control of the aeroplane, as recited in **claim 1**. In addition, none of the references discloses, or suggests, a space, limited on a lower side by a virtual flat cabin floor and limited on an upper side by the upward rising tube bend, that extends transversely beyond the square profile, in which the free remaining space above the virtual flat cabin floor presents an orthorhombic space of at least 190 cm in length, at least 45 cm wide, and at least 40 cm in height for receiving a person lying on a stretcher for air-transporting of said person while the stretcher is laying flat in the orthorhombic space, a maximum take-off weight (MTOW) of the aeroplane being between 452.5 kg and 590 kg., as recited in **claim 1**.

In order to fit in Firmer's airplane, the stretcher would have to extend from the element 24 rearward and, possibly, into the volume defined by element 44, or even into the volume defined by element 43. Even if Firmer did disclose dimensions for the drawings or state that the drawings are to scale to suggest the stretcher would fit in the plane, the bars 20, 21 would obstruct passage of the stretcher past the I-bar 14 and into the volumes defined by elements 44, 43. Furthermore, even if the stretcher could pass beyond the I-bar 14, the bars 20, 21 would force the end of the stretcher toward the rear of the plane to be raised and/or tilted/rotated in order to pass over the bars 20, 21, which

would result in the stretcher lying in an unstable, awkward manner (i.e., not flat, as recited in **claim 1**) not suitable for a patient on a stretcher. Additionally, if the stretcher extended from the element 24, there would be no room in Firner's airplane to accommodate two adjacent passenger seats in the cabin, as recited in **claim 1**.

For the reasons discussed above, Firner fails to disclose, or even suggest, "a central tube...attached to a motor mount and extending forward along a longitudinal axis toward an engine of the aeroplane and extending rearward along the longitudinal axis to at least behind a front edge of a lateral rudder and an elevator control of the aeroplane[,]...a cabin cell...wide enough for two adjacent passenger seats[,]...and a space, limited on a lower side by a virtual flat cabin floor and limited on an upper side by the upward rising tube bend, that extends transversely beyond the square profile, in which the free remaining space above the virtual flat cabin floor presents an orthorhombic space of at least 190 cm in length, at least 45 cm wide, and at least 40 cm in height for receiving a person lying on a stretcher for air-transporting of said person while the stretcher is laying flat in the orthorhombic space, a maximum take-off weight (MTOW) of the aeroplane being between 452.5 kg and 590 kg," as recited in **claim 1**.

For the reasons discussed above, **claim 1** and **claims 3–10**, which depend therefrom, are patentable over Firner.

US Patent Nos. 5,490,703; 5,785,277; 5,779,296; 6,585,188; 4,783,025; and 4,637,575 were merely cited as disclosing small aircraft that can serve to accommodate a person laying on a stretcher in a lightweight aircraft. None of these references, either alone or in combination, overcome the deficiencies of Firner.

Pages 1–3 of the specification were merely cited as disclosing ultralight or ecolight aeroplanes. The IKARUS C42 reference were merely cited as disclosing lightweight materials. Neither pages 1–3 of the specification nor the IKARUS C42 reference, either alone or in combination, overcome the deficiencies of Firner.

Therefore, for the reasons discussed above, **claim 1** and **claims 3–10**, which depend therefrom, are patentable over Firmer, US Patent Nos. 5,490,703; 5,785,277; 5,779,296; 6,585,188; 4,783,025; and 4,637,575, pages 1–3 of the specification, and the IKARUS C42 reference, either taken alone or in combination.

### **CONCLUSION**

For the foregoing reasons, it is submitted that the claims of the present application are in condition for allowance. Early notice thereof is respectfully requested.

Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such fees, and/or credit any overpayments, incurred as a result of entering this amendment to Deposit Account No. 03-0172, Order No. 30887.04002.

Respectfully submitted,

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